

Canada Border
Services Agency

Agence des services
frontaliers du Canada



APPENDIX A - Managers' Guide to Conducting Internal Investigations

Internal Affairs Section
Corporate Security and
Internal Affairs Division
Comptrollership Branch

March 13, 2007

PROTECTION • SERVICE • INTEGRITY

Canada

Table of Contents

1. FOREWORD.....	2
2. OBJECTIVE.....	2
3. RESPONSIBILITIES	2
4. DEFINITIONS	3
5. GENERAL.....	4
6. IMPORTANCE OF ACTING PROMPTLY	4
7. PRINCIPLES.....	4
8. TYPES OF INVESTIGATIONS.....	5
8.1 Preliminary inquiry	5
8.2 Administrative investigation.....	5
8.3 Criminal investigation.....	6
9. PRIVACY/ACCESS TO INFORMATION REQUESTS	6
10. RETENTION OF INFORMATION	6
11. CONDUCTING AN INVESTIGATION	7
11.1 Purpose of investigation	7
11.2 Planning the investigation	7
11.3 Location of interviews	8
11.4 Third party presence	8
11.5 Administrative caution	8
11.6 Confidentiality	9
11.7 Documenting interviews	9
11.8 Information obtained from a third party	10
11.9 Refusal to cooperate	10
11.10 Report	10
12. EXTERNAL RESOURCES	11
13. REFERENCES.....	12

1. FOREWORD

Canada Border Services Agency (CBSA) managers are responsible for managing CBSA programs and services in a manner consistent with public expectations regarding public funds and resources. CBSA employees must comply with the legislation and regulations administered by the CBSA, the CBSA Code of Conduct, as well as approved procedures. Management and employees have a role in the protection of public resources and funds from employee misconduct or abuse. When an incident involving an employee or allegations of misconduct are brought to management's attention, each incident must be thoroughly investigated by Internal Affairs (IA) or by local management after discussion with IA. Because incidents often affect more than one area of responsibility, a co-ordinated effort between management and IA is vital. It is in keeping with this spirit of cooperation that this guide was developed.

2. OBJECTIVE

This guide provides functional guidance to all levels of management with respect to the reporting of alleged or suspected employee misconduct to Internal Affairs; it also provides direction to managers on how to conduct fair and thorough internal investigations.

3. RESPONSIBILITIES

Directors are responsible for promptly reporting to the Manager, Internal Affairs, all allegations of employee misconduct or incidents without fail. Items to be reported are as specified in the **CBSA Security Manual, Security Volume, Chapter 27 - Internal investigations into alleged or suspected employee misconduct or any other incident which could effect the public trust in the CBSA or its working relationship with other law enforcement partners**. When apprised of an allegation of employee misconduct, the Director or his delegate will conduct a preliminary inquiry by gathering information to determine whether based upon the balance of probabilities the allegation is founded or not. If there is sufficient evidence to presume that the allegation is founded, the Director will report the matter to the Manager, Internal Affairs without delay. Following consultation the Manager, Internal Affairs will determine whether the matter would best be investigated locally or whether Internal Affairs will investigate the matter. In requesting an investigation, Directors must clearly state the purpose of any investigation and shall provide a written request, to IA accompanied by the report of the preliminary inquiry. When it has been agreed that local management is to conduct the investigation, Directors shall provide IA with a copy of the investigation report and of its conclusions. The fact that an investigation is being conducted by others, for example, a police force, an auditor, or Investigations Division, or that criminal or civil proceedings have been instituted in no way diminishes or negates the Director's responsibility to examine any workplace-related issue and take appropriate action.

Managers are required to report to their Director any allegation of employee misconduct. When a Director delegates the responsibility of a preliminary inquiry to a manager, he or she must attempt to confirm the facts pertaining to the offence, determine the potential scope of the offence, identify all parties involved, including witnesses, obtain, review, examine, and analyse related documents, and report findings to the Director. Care must be exercised to ensure that parties involved in a potential incident are not made aware that the incident is under review.

Employees must comply with all laws and regulations administered by the CBSA, as well as the approved rules and procedures, and abide by its Code of Conduct, thereby maintaining CBSA's integrity and that of its employees. Employees must promptly report, either orally or in writing, any allegation or suspicion of misconduct by another employee to their immediate supervisor, to one of the line supervisors, or, if the

circumstances warrant it, to their Director. Furthermore, employees have an obligation to attend the interview, as well as to cooperate and assist in the conduct of an investigation into an incident or allegation of employee misconduct. This includes affording complete access to the CBSA information systems, documents, and records, to the extent that such access is legally permitted.

Investigators are responsible for having a clear understanding of the mandate and purpose of the investigation, obtaining all relevant preliminary information relating to the incident or allegation, identifying written sources of information and the individuals who can supplement or corroborate the available information, planning the investigation, meeting with witnesses and gathering evidence, informing the respondent that an investigation is being conducted, interviewing the respondent, and writing a clear and comprehensive report that will allow management to make an informed decision in the matter.

The **Internal Affairs Section** is responsible for providing qualified investigators to conduct investigations, advising local management on the conduct of the preliminary inquiry, and following investigations conducted by local management.

4. DEFINITIONS

Complaint: A formal allegation of employee misconduct made to or by a CBSA manager.

Complainant: A person making an allegation of employee misconduct.

Fraud: An act whereby an employee obtains a material advantage by unfair or wrongful means.

- **Incident (examples)** Allegations of misconduct made by a member of the public or by an employee against an employee;
- Alleged or suspected employee misconduct with respect to violations of criminal laws or other laws, rules, and regulations administered by the CBSA;
- Breach of trust;
- Conflict of interest;
- Contravention of the CBSA's *Electronic Networks Policy*;
- Destruction of documents in contravention of section 67 of the *Access to Information Act*.
- Fraudulent claims regarding travel expenses, overtime and leave, including falsification of official documents, records, and medical certificates;
- Fraudulent use of the CBSA systems, such as ICES, FOSS or CPIC,
- Reduce the amount owed by a traveller, or to increase the amount of refunds or credits paid under a benefit program, to which the client is not entitled;
- Loss, theft or destruction of revenue, money, seized or abandoned goods, CBSA assets, or sensitive information;
- Participation in smuggling activities;
- Affiliation with Criminal organizations;
- Unauthorised access to and/or disclosure of confidential CBSA information.

Investigator: A duly appointed person who investigates allegations or incidents involving one or more employee.

Investigation: A systematic and thorough process involving the examination of circumstances surrounding an incident or allegation, the purpose of which is to establish and document all the relevant facts, and to analyse these in order to allow management to make an informed decision.

Misconduct: Any action whereby an employee wilfully contravenes an act, a regulation, a rule, a CBSA policy, an approved procedure, or the CBSA Code of Conduct Or participated in an activity which brings the CBSA into disrepute or effects the CBSA's interrelationship with other law enforcement organizations

Preliminary inquiry: The act of obtaining all details relating to the facts and circumstances of a reported incident, examining the documentation available in order to determine whether an allegation is substantiated, and establishing the scope of an investigation.

Respondent: An employee against whom an allegation of misconduct has been made.

Witness: An individual other than the respondent being interviewed for the purpose of obtaining information, that includes documentation, relating to a case.

5. GENERAL

A determination between the Manager, Internal Affairs and a Director, or a delegated manager, shall be made as to who will conduct the investigation into the incident, in light of the nature and seriousness of the incident. Incidents such as the theft of revenue, money, seized, detained, or abandoned goods, or CBSA assets or fraud, where it is suspected that an employee is responsible, are normally investigated by IA.

In agreement with the Manager, Internal Affairs, local management may conduct the investigation into employee misconduct; however, Internal Affairs will provide advice, follow the investigation, and receive a copy of the investigation report.

6. IMPORTANCE OF ACTING PROMPTLY

Aside from the responsibility to provide for the protection and safety of employees and to safeguard public resources, managers are also responsible for dealing effectively with allegations of employee misconduct. It is crucial that management act promptly and when informed of an incident or allegations involving an employee.

Prompt action on the part of management reduces the risk or possibility of: additional loss of public assets and/or funds; destruction of documents; and loss of confidence in accountability and the public trust. It sends a clear message to all employees that management takes allegations of misconduct involving its employees seriously; it demonstrates management's commitment to fulfilling its responsibilities and allows it to improve policies and procedures, identify training requirements, and reinforce the CBSA's commitment to making employees accountable.

7. PRINCIPLES

An investigation is a means of establishing factual and documented findings on the basis of which an informed management decision can be made. Every investigation is conducted in a rigorous and professional manner.

However, the scope of investigations may vary according to the seriousness of the incident and the supporting evidence. The investigation will determine whether there is a need for policy or procedural changes, training, or disciplinary action. The investigator may contact the police if the findings reveal that the *Criminal Code of Canada* was contravened. Furthermore, delegated authority or security clearances may be suspended during an investigation, or revoked indefinitely the result of an investigation and this may negatively affect the current or future employment status of an individual within the federal government.

Investigations must be objective, thorough, and conducted by a qualified person who is aware of the rights of those involved. The events and circumstances relating to an incident, both positive and negative, must be recorded and reported accurately. Investigations are to be conducted in a timely and efficient manner. These principles are vital in order to maintain the trust of employees, their representatives, management, and the public.

8. TYPES OF INVESTIGATIONS

There are usually three basic types of investigations: a preliminary inquiry, an administrative investigation, and a criminal investigation, which is normally conducted by the police agency having jurisdiction.

8.1 Preliminary inquiry

The purpose of a preliminary inquiry is to determine whether there is sufficient evidence to support the allegations made and to make a preliminary determination of the scope of the alleged offence. In short, the preliminary inquiry involves obtaining from the individual who make the allegations as many details as possible regarding the facts and circumstances reported and to examine the documentation as thoroughly as possible. The steps in a preliminary inquiry will vary according to the type of allegation made. Steps may include such activities as reviewing an Audit Trail Search report, phone records, travel expense claims, overtime and leave forms, as well as identifying all possible parties involved and all possible witnesses. Documents must be analysed in order to make a *prima facie* determination as to whether the allegation is founded. Discretion and tact are required throughout the preliminary inquiry in order to minimise stress for those involved and for other staff. It is important that documents be safeguarded in the event that an administrative or criminal investigation is warranted.

If a preliminary inquiry supports the allegation, all attempts at gathering information should be stopped immediately, and the matter should be referred to Internal Affairs. IA will then decide, with local management, if an investigation is warranted and who should conduct it.

The decision to meet with the respondent immediately after the preliminary inquiry is matter of judgement and should be discussed with IA. In some cases, allegations are the subject of criminal investigations and any disclosure of information to the respondent could compromise this investigation as well as the administrative investigation.

8.2 Administrative investigation

A preliminary inquiry may determine that the allegations raised may have some basis in fact, that the misconduct is of a serious nature, that several witnesses must be interviewed, that the allegations are of a very sensitive nature or could tarnish the CBSA's credibility in the eyes of the public. In such cases, the Director may decide that an administrative investigation is warranted

and will discuss the case with Internal Affairs to determine who will conduct the investigation. If the investigation concludes that there was no employee misconduct, the respondent is to be informed accordingly in a timely fashion. If an allegation of misconduct is substantiated, management is responsible for taking the appropriate disciplinary measures.

8.3 Criminal investigation

In accordance with Treasury Board Policy, if the administrative investigation reveals that a CBSA employee has committed fraud, or any other offence or illegal act against the Crown, the matter must be referred to the police agency having jurisdiction that will determine whether the case warrants a criminal investigation. Criminal proceedings are the exclusive responsibility of authorised law-enforcement agencies. When a case is referred to the police, IA is responsible for monitoring the investigation and ensuring CBSA's interests are adequately protected.

If the CBSA Investigations Division conducts an investigation in respect of an employee suspected of violating the *Customs Act*, or the *Excise Tax Act*, management and IA are to be informed of the results of its investigation in order to determine whether an administrative investigation is warranted.

9. PRIVACY/ACCESS TO INFORMATION REQUESTS

Any Canadian citizen or permanent resident including the news media may make requests for release of information. Anyone involved in a preliminary inquiry or an investigation may obtain access to the investigation file and report under the *Access to Information Act* or the *Privacy Act*. However, requesters will only receive information to which they are entitled. Furthermore, when an administrative investigation is being conducted, only information that will not hinder the ongoing investigation will be released.

Personal information collected during an investigation may only be used for the purpose of which it is collected or for a purpose set out in the *Privacy Act*. Personal information contained in investigation files cannot, without the individual's consent, be used or disclosed except in accordance with Subsection 8 (2) of the *Privacy Act*.

The investigator must be made aware that all documentation (including tape recordings, hand-written and interview notes, documentary evidence) is subject to the *Access to Information Act* and the *Privacy Act* and that he or she is responsible for ensuring their availability should they be requested under the aforementioned legislation.

10. RETENTION OF INFORMATION

The investigator must file and retain in a secure location all files, documents, written notes, recordings, evidence, and supporting documents used during an investigation. From a legal standpoint, it is important that strict control be maintained over the storage of, and access to, this information. The items and documents gathered by the investigator to establish the facts of a case must be stored and handled in such a way as to prevent damage and to ensure that they are properly identified and can serve to subsequently prove the chain of evidence custody as required by the legislation. The date, time, and origin must be indicated on exhibits. In most cases, exhibits serve to corroborate the testimony of witnesses. The investigator must remember that the exhibits are also subject to the *Privacy Act* or the *Access to Information Act*.

Document originals must be obtained. All copies of originals will have to be certified by the investigator. Documentation gathered for an investigation must be retained in accordance with the CBSAs Disposal and Retention Schedule. The documentation must be kept for at least five years after the case is actually closed or after the date of the last document placed on the file.

11. CONDUCTING AN INVESTIGATION

It is important that all activities relating to an investigation be carried out with tact and discretion. It is equally important that employees be treated with dignity and respect and be treated fairly by the investigator. Among other things, the investigator must provide the respondent with the opportunity to respond to the allegations and to defend him or herself. The following is a suggested methodology for conducting an investigation.

11.1 Purpose of investigation

To collect all facts and evidence relating to an allegation or an incident. It is essential that the allegations be clearly and completely stated. The purpose is not to merely "*explain away*" an incident but to supply management with the information required to determine what corrective measures, if any, are to be taken. (*Administrative or disciplinary*)

11.2 Planning the investigation

Based on the stated allegations, before starting interviews, the investigator must determine what must be done in order to obtain the information that will enable him or her to fully understand the circumstances and be able to report to management (*Who, What, Where, When, Why and How*). The investigator should obtain all relevant information and documentation from the resource person, usually the person who conducted the preliminary inquiry. When planning the investigation, the investigator must determine what information is missing and where it can be obtained, and identify the individuals who can supplement this information or corroborate the information available and the relevant facts. Such individuals could include supervisors who have met with the respondent to explain the directives to follow or the code of conduct by which to abide.

The investigator must define the steps to follow for the investigation, prepare the questions to be asked during interviews, estimate the time required for each interview, and carefully determine the order in which the interviews will take place. All persons who may have relevant testimony to give must be interviewed. When it is impossible to interview someone, the investigator must note in his or her investigation report the steps taken to interview this person and the reasons why it was impossible to do so. Normally, the complainant is the first to be interviewed and the respondent is the last.

Customarily, the investigator contacts each witness the day before the interview to inform him or her of the reason for the interview, the time and place of the interview, and that he or she may be accompanied by an observer, providing the chosen observer will not be interviewed in the course of that same investigation. Witnesses should be asked to bring with them any documentary evidence they have in their possession that relates to the investigation. In exceptional circumstances individuals to be interviewed will not be contacted the day prior if to do so would negatively impact either employee safety or the investigation in question.

When planning the investigation, the investigator should therefore allow time for unforeseen delays or unplanned interviews. When such unforeseen interviews are required, it is not always possible to inform the witness one day ahead. However as much time as possible should be given in order for the witness to gather any relevant information and, if desired, obtain the services of an observer.

11.3 Location of interviews

The best location is the one where interruptions and distractions are fewest and the atmosphere encourages conversation. Whenever possible, a discreet office within a CBSA office should be used. Investigators must follow basic courtesies and show appropriate respect for the environment when interviewing a witness at his or her residence.

Members of the general public should not be interviewed at work when they do not find this appropriate. Such witnesses should be interviewed in a neutral location.

11.4 Third party presence

Any person being interviewed may, if so desired, be accompanied during the interview by a person of his/her choice as long as this person is not or will not be a witness in the investigation. Allowing the presence of an observer is a privilege and should not be considered a right. The third party present during the interview is not allowed to interfere in any way with the interview process; the third party's role is limited to that of an observer.

11.5 Administrative caution

At the beginning of the interview, the investigator will remind the person to be interviewed, when the latter is not accompanied by anyone, that an observer can accompany him or her. If someone accompanies the person interviewed, the investigator will confirm that the observer is present at the request of the person to be interviewed.

All persons interviewed are to be informed:

- Of the reason for the interview;
- Of the mandate that was given to the investigator;
- That notes will be taken during the interview;
- That the person interviewed will be asked to review the investigator's notes for accuracy and, if required, corrections will be made when clarification is required;
- That the person interviewed will be asked to sign the last page and initial the others;
- That the information provided during the course of the interview may be included in the investigation report to be forwarded to the appropriate Vice President and a copy thereof to be forwarded to the Director responsible for the office where the respondent works, and may be used in a disciplinary hearing should one result;
- That the information provided during the interview will be accessible to those who are entitled to receive it under the *Access to Information Act* and the *Privacy Act* and who request it;
- That they will be asked to sign a form confirming they understand the above.

The investigator must ensure that the person being interviewed clearly understands the purpose of the meeting. The investigator will also have to answer all questions relating to the procedure to be followed.

11.6 Confidentiality

No assurances can be given to witnesses that their name and the information they provide will not be revealed to others, as CBSA administrative investigations are subject to the *Privacy Act*. Witnesses must be informed that investigators cannot conceal relevant information, including the sources that give credibility to the evidence gathered.

Personal information learned during an investigation, which does not relate to the investigation must be discarded and never discussed with anyone during or following the investigation.

The investigator must treat all witnesses; including those he or she knows well, in a professional, impartial, and impersonal manner.

11.7 Documenting interviews

The questions must be open so that the person being interviewed can give his or her version of the facts. More specific questions may also be asked in order to clarify the testimony. When the person being interviewed uses expressions such as «I believe that» or «that may be the case,» the investigator will have to clarify such statements, in order to ensure that what is being provided as fact and not impressions. The investigator should not provide his or her questions ahead of time, as they should only serve as a guide and can be changed during the interview. As needed, the investigator will have to confront the witness or the respondent with documents or other testimony previously obtained, without being threatening or intimidating. The investigator will therefore have to have the relevant documents with him or her and be ready to use them.

The investigator will take notes during the interview. It is not necessary to write down a word-for-word account, but the notes will have to accurately reflect the testimony given by those interviewed. These notes may be the only means by which the interview will be documented. Consequently, they must be dated, complete, legible, and understandable, and be placed in the investigation file.

Should the person interviewed request permission to record the interview; it is recommended that the interviewer also arrange to record the interview, while at the same time making notes of questions asked and answers provided.

The individuals interviewed will have to read the notes and attest that they constitute an accurate account of the interview. They will sign and date the document, indicating that the notes constitute a complete record of the interview. If someone refuses to sign the document, the investigator will have to sign at the end of the notes to attest that the said individual had the opportunity to review the notes and that this person was asked to sign the document but that he or she refused to comply. When requested, a copy of the signed interview notes will be forwarded to the person interviewed once the investigation is completed.

Whenever a person being interviewed provides statements pertaining to a third party, such comments will not form part of the investigation nor will they be included in the investigation

report unless the third party in question has been afforded the opportunity to provide his or her response to such statements. Similarly, the report is not to reflect any comment or reference to a person or a document unless such reference is duly documented on the investigation file.

When information is obtained during a telephone conversation, the investigator must clearly note the date and time of the interview, as well as the name, title, address, and telephone number of the person interviewed. After the conversation, the investigator will read the account of the telephone conversation in order to confirm its accuracy and will then sign the pages of notes.

11.8 Information obtained from a third party

When a person being interviewed provides information obtained from a third party, such information cannot be included in the report unless the investigator can identify the third party and interview the person who is the subject of the said comments.

11.9 Refusal to cooperate

During an investigation, should an employee refuse to be interviewed or provide the information required in the investigation, the employee in question should be informed of his or her obligation to cooperate and that a refusal could result in disciplinary action by management. The investigator shall inform the employee that the relevant CBSA manager will also be informed of the refusal to cooperate and that the refusal to cooperate will be noted in the investigation report.

During the interview, the respondent may be reluctant to discuss a situation or relate the facts thereof if he or she feels that doing so may incriminate him or her. While informing the respondent that he or she is not obliged to answer the questions, the investigator must explain that, in such cases, management will nevertheless have to render a decision without the benefit of the respondent's version.

11.10 Report

The investigation report is a narrative that provides those who «need to know» or who «have a right to know» with all the information required to make a final determination. The report shall be presented in a logical, clear, and concise manner that excludes personal opinions, editorial comments, and irrelevant information. However, the investigation report must include all relevant facts, including circumstantial factors that will allow management to clearly understand all aspects of the case. **The report must be presented in the following format:**

Background: Brief summary of the events that gave rise to the investigation.

Example: On (date), XX (name and title) met with XX (name, title, office)/spoke to XX (name, title, office) on the phone and alleged that (name, title, and office of respondent) had... A preliminary inquiry conducted by (name, title, office) has determined that... In light of the foregoing, the director (name and title) has asked XX (name and title) or the Internal Affairs Division to conduct an investigation.

Purpose of the investigation: Specify what the investigation will attempt to demonstrate.

Example: Ascertain the accuracy of the allegation that... or: Determine the circumstances surrounding (description of event).

Persons interviewed: Alphabetical list of names (title and office, or home address for members of the public) of the persons interviewed.

Investigation: Testimony and evidence gathered presented in the *chronological* order in which they were obtained.

Example: When interviewed on (date) in the presence of (name of observer), XX (name, title, and office of the person interviewed) stated that:

- He/she saw...
- He/she observed that...
- One paragraph on each main point raised.

Summary: Juxtaposition of facts, testimony, and evidence, with a view to identifying flaws or weaknesses, crucial points, gaps in logic, and contradictions. All relevant information should be analysed and, as required, specific references to the documents included in the investigation file will be quoted. The ideal analysis of the facts and evidence in an investigative report should bring the reader to the same logical conclusion as that reached by the investigator.

Observation: (as required) Description of non-compliance with guidelines (state which ones); identification of shortcomings in procedures; the need to review, adjust, or develop a policy, directive, etc., mostly those national in scope.

Conclusion: Brief statement directly related to the «purpose of the investigation». It is crucial that there be a conclusion for each allegation or each incident stated in the purpose.

Example: Through the information obtained during the investigation, it was demonstrated that the allegation to the effect that (name, title) is believed to have (repeat allegation) was founded (or unfounded);

12. EXTERNAL RESOURCES

Document Examiner

An investigator who requires the services of an expert to examine documents, samples of handwriting, etc., may refer such documents to the CBSA Laboratory. Similarly, evidence gathered may be submitted to the RCMP's forensic laboratories or to the fingerprint lab for analysis and an opinion.

It is crucial that the investigator ensure that the expert witness is well acquainted with the relevant facts. Any opinion provided by an expert rests on facts, which the said expert presumes to be true. One should never draw any conclusions on the meaning of evidence until all the facts have been analysed. False premises can lead to flawed conclusions.

Such expert analysis and the resulting conclusions will be included in the investigation report, and the analysis portion of the investigation report will reflect the importance and relevance of the conclusion of such forensic analysis to the investigation and, if appropriate, will be cited in the conclusion.

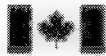
13. REFERENCES

- *Access to Information Act*
- *Canadian Human Rights Act*
- *CBSA Code of Conduct*
- *Criminal Code*
- *Discipline Policy and Discipline Policy Guidelines*
- *Electronic Networks Policy Guidelines*
- *CBSA Security Manual*
- *Privacy Act*
- *Treasury Board Financial Management Manual, Chapter 4-7: Policy on losses of money and offences and other illegal acts against the Crown.*

ENQUIRIES

Should you require further information, please contact the:

Manager
Internal Affairs Section
Corporate Security and Internal Affairs Division
Canada Border Services Agency
9th floor Leima Building
410 Laurier West
Ottawa, Ontario
K1A 0L8
Telephone: (613) 948-9347
Facsimile: (613) 941-6105



Canada Border
Services Agency

Agence des services
frontaliers du Canada



Policy on Internal Investigations into Alleged or Suspected Employee Misconduct

March 13, 2007



PROTECTION • SERVICE • INTEGRITY

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Policy

1. Allegations or suspicions of employee misconduct that includes negligence and carelessness must be promptly reported to the Manager, Internal Affairs and thoroughly investigated.

Policy Objective

2. The objective of this policy is to ensure that allegations or suspicions of employee misconduct with respect to violations of legislation or other laws, rules and regulations administered by the Canada Border Services Agency (CBSA) are promptly reported and investigated by objective and qualified persons.

Definitions

3. Misconduct includes any action or inaction by an employee that is contrary to established policy, standards, procedures or practices of the CBSA; violations of legislation for which criminal sanctions are applicable; or violations of other laws, rules and regulations administered by the CBSA or any other act which would bring the CBSA into disrepute or effect the Agency's working relationship with other law enforcement partners.
4. Manager means any person who acts in a supervisory role or managerial capacity.

Application

5. This policy is applicable to the management of the CBSA, employees (permanent, term, casual, part-time), contract and private agency personnel and to individuals seconded or assigned to the CBSA, including students.

Policy Requirements

6. Employees are to promptly report to their manager or to Regional Security Officer, or when this is not feasible, to the Corporate Security and Internal Affairs Division (CSIAD), any allegation, suspicion or information concerning employee misconduct.
7. When there is an allegation or suspicion indicating employee misconduct involving violations of criminal legislation or other laws, rules and regulations administered by the CBSA, the Director or the delegated manager must report it immediately to the Manager, Internal Affairs and to the appropriate Vice President. A determination will be made between the local Director and the Manager, Internal Affairs, CSIAD as to who will conduct the investigation.
8. Treasury Board policy stipulates that all suspected cases of loss or theft of money, fraud, or any other offense or illegal act against the Crown by an employee must be fully investigated and reported to the police agency having jurisdiction. Criminal proceedings are generally the exclusive responsibility of law enforcement authorities.

Responsibilities

Internal Affairs Section, Corporate Security and Internal Affairs Division

9. Internal Affairs, CSIAD, subject to legal and jurisdictional constraints, is responsible for:
- Conducting, or causing to be conducted, investigations into alleged or suspected employee misconduct involving:
 - (i.) Theft or loss of revenue, assets, money, seized or abandoned goods;
 - (ii.) Unauthorized access to and/or disclosure of client or other sensitive information;
 - (iii.) Violations by employees of legislation, or other Federal Statutes (e.g. Customs Act or Immigration Refugee Protection Act or Criminal Code);
 - (iv.) Fraudulent transactions on a CBSA system resulting in a reimbursement or reduction of amount owed to which the person or company is not entitled;
 - (v.) Fraudulent claims for travel expenses, overtime, leave, relocation, etc.;
 - (vi.) Destruction, mutilation, alteration, falsification or concealment of documents, records, certificates, controlled assets or directing, proposing, counseling or causing any persons to take such actions; and
 - (vii.) Breaches of the CBSA and Public Service Commission Code of Ethics and Conduct, or other administrative policies.
 - (viii.) Other items of serious concern to the CBSA.
 - Informing the Vice Presidents of investigations being conducted in their area of responsibility, and reporting the results of the investigation to them and to any other appropriate authorities as required;
 - Ensuring that investigations are objective, thorough and conducted by qualified persons, with due respect for the rights and understanding of the obligations of the individuals involved;
 - Ensuring that all cases involving the theft of revenue, money, assets, seized or abandoned goods, fraud, destruction, mutilation, falsification or concealment of records or directing, proposing, counseling or

causing any persons to such actions, or any other offenses or illegal acts against the Crown which have been committed by an employee are reported to the police agency having jurisdiction;

- Reporting to management any shortcomings in policies and procedures noted during an investigation, which may have system or organization-wide implications, to allow for corrective measures to be taken to prevent further recurrence of losses and offenses.

Employees

10. Employees are expected to obey all legislation and other laws and regulations administered by the CBSA, thereby maintaining their integrity and that of the CBSA.
11. Employees are obliged to provide the necessary cooperation and assistance in the conduct of an investigation. This includes affording complete access to CBSA information systems, documents and records, to the extent that such access is legally permitted.

Directors or Delegated Managers

12. Directors or their delegated managers are to report allegations or suspicions of misconduct on the part of employees, in a timely manner, to the Manager, Internal Affairs, CSIAD and to the appropriate Vice President.
13. When it is agreed that local management will conduct the investigation, Directors or their delegated managers are to inform the local Staff Relations consultant and provide a copy of the investigation report, to Internal Affairs, CSIAD and the appropriate Vice President, in a timely manner.

Reporting Procedures

14. Allegations of employee misconduct may be reported either by telephone or secure facsimile transmission to the Manager, Internal Affairs, and CSIAD, at (613) 948-9347 or by facsimile at (613) 941-6105.
15. These reporting procedures are designed to ensure an effective reporting process and do not detract from the requirement for Vice Presidents to prepare reports, issue sheets, etc. and to advise the President of the CBSA when required.

Accountability Process

16. The CSIAD will monitor compliance with this policy.

References

The following references are applicable to this policy

- *Financial Administration Act*;
- *Public Service Code of Conduct*;

- CBSA Conflict of Interest Guidelines;
- Policy on Losses of Money and Offenses and Other Illegal Acts Against the Crown (Treasury Board Manual, Comptrollership Volume, Chapter 4.7);
- CBSA Security Manual, Chapter 15 - Reporting of Security Incidents;
- *Access to Information Act and Privacy Act*;
- *Criminal Code of Canada*;
- *Immigration Refugee Protection Act*
- *Customs Act*
- *Canadian Charter of Rights and Freedoms*;
- Manager's Guide to Conducting Internal Investigations

Enquiries

For more information, please contact:

Corporate Security and Internal Affairs Division
9th Floor
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